

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
 )  
 vs. )  
 )  
 FRANK KEOUGH, )  
 )  
 Defendant. )

CRIM. NO. 04-30032-MAP

FILED  
IN CLERK'S OFFICE  
2005 MAY 11 P 3:13  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

INITIAL JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and William M. Welch II, Assistant United States Attorney, hereby files this initial joint memorandum pursuant to Local Rule 116.5(A) and the Magistrate Judge's Scheduling Order as follows:

1. The parties agree that relief should not be granted from the otherwise applicable timing requirements imposed by Local Rule 116.3.
2. On April 22, 2005, the defendant requested discovery under FRCP 16(a)(1)(G). The Government hereby makes its request for reciprocal discovery under Rule 16.
3. At this time, the defendant has reviewed discovery. On April 22, 2005, the defendant sent a discovery letter to the Government. On May 6, 2005, the Government sent its response. The defendant intends to file a discovery motion.

4. The parties agree that a motion date should not be set under FRCP 12(c) at this time. Until all discovery matters have been resolved, the defendant is not in a position to set any motion dates.

5. Excludable delay should be ordered under 18 U.S.C. § 3161(h)(8)(A) and Local Rule 112.2(A)(1), (2), and (3). Twenty days have expired from the Speedy Trial Clock through and including May 12, 2005, the date of the status conference, leaving fifty days on the Speedy Trial Clock. This means that this case must be tried by July 1, 2005.

6. The parties believe at this point that a trial should be anticipated. At this time, the Government would estimate a trial of three weeks.

7. A final status conference should be set for mid-July, 2005.

Filed this 11th day of May, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

  
WILLIAM M. WELCH II  
Assistant United States Attorney

For defendant Frank Keough:

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JACK ST. CLAIR, ESQ.

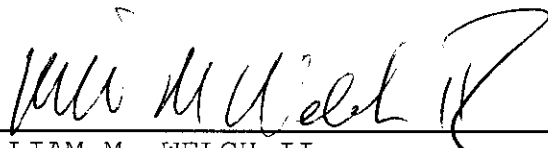
CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
May 11, 2005

I, William M. Welch, Assistant U.S. Attorney, do hereby  
certify that I have served a copy of the foregoing by hand  
delivery upon:

Jack St. Clair, Esq.  
73 Chestnut Street  
Springfield, MA 01103

  
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WILLIAM M. WELCH II  
Assistant United States Attorney